

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WSOU INVESTMENTS LLC d/b/a BRAZOS  
LICENSING AND DEVELOPMENT, a  
Delaware limited liability company,

Plaintiff,

v.

F5 NETWORKS, INC., a Washington  
Corporation,

Defendant.

No. 2:20-cv-01878-BJR  
No. 2:21-cv-00124-BJR  
No. 2:21-cv-00125-BJR  
No. 2:21-cv-00126-BJR

**JOINT MOTION TO MODIFY  
SCHEDULING ORDER**

Pursuant to LCR 16(b)(6), Plaintiff WSOU Investments LLC d/b/a Brazos Licensing and Development (“WSOU” or “Plaintiff”) and Defendant F5 Networks, Inc. (“F5” or “Defendant”) (collectively, “Parties”), by and through their undersigned counsel, hereby jointly move the Court to modify its April 26, 2021 Order on Motion to Modify Order Setting Trial Dates and Related Dates (No. 2:20-cv-01878-BJR, Dkt. 64; “Scheduling Order”), which sets forth the current case schedule for the above-captioned actions. The Parties’ requested modifications and good cause basis for these modifications are identified below.

**A. Basis for Proposed Modifications**

Under the current Scheduling Order, fact discovery is scheduled to close in just four weeks, on January 6, 2021, right after the winter holidays. However, in light of the Parties’ ongoing fact

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**CORR CRONIN LLP**  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900

1 discovery disputes, the status of fact discovery, and the limited time remaining in the fact discovery  
2 period, the parties seek a 60-day extension of the close of fact discovery, as well as corresponding  
3 extensions of subsequent case deadlines. Document production is still ongoing and the parties still  
4 have a number of fact depositions to take.

5 Compounding these hurdles, the next four weeks include (i) the winter holidays, during  
6 which fact witnesses, outside counsel, and in-house counsel for both sides will have limited  
7 availability, and (ii) the *Markman* hearing on December 22, 2021, which will require significant  
8 time and attention from the Parties.

9 The Parties' proposed schedule modifications adjust the fact discovery period by 60 days  
10 (from January 6, 2022 to March 7, 2022), and provide proportional extensions of all subsequent  
11 case deadlines, including the trial date. There is good cause for these adjustments in light of the  
12 Parties' ongoing fact discovery disputes, the current status of fact discovery, and the limited time  
13 remaining for fact discovery, as summarized above.

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## B. Proposed Revised Schedule

The chart below identifies the Parties' proposed revisions to the case schedule to account for the issues identified above:

Event	LPR	Scheduling Order (Dkt. 64)	Joint Modification Proposal
<i>Markman</i> hearing	LPR 135 (as ordered by the Court)	December 22, 2021	No change
Discovery completed by [Close of Fact Discovery]		<b>January 6, 2022</b>	<b>March 7, 2022</b>
Reports from expert witnesses under FRCP 26(a)(2) due [Opening Expert Reports]		<b>February 3, 2022</b>	<b>April 4, 2022</b>
Rebuttal Expert Reports		<b>March 3, 2022</b>	<b>May 2, 2022</b>
Close of Expert Discovery		<b>March 17, 2022</b>	<b>May 20, 2022</b>
All dispositive and <i>Daubert</i> motions must be filed by		<b>April 7, 2022</b>	<b>June 9, 2022</b>
Oppositions to dispositive and <i>Daubert</i> motions		<b>April 28, 2022</b>	<b>June 30, 2022</b>
Replies in support of dispositive and <i>Daubert</i> motions		<b>May 12, 2022</b>	<b>July 14, 2022</b>
All motions <i>in limine</i> must be filed by		<b>August 1, 2022</b>	<b>September 30, 2022</b>
Joint Pretrial Statement		<b>August 8, 2022</b>	<b>October 7, 2022</b>
Oppositions to Motions in Limine (no replies authorized unless ordered otherwise by the Court)		<b>August 15, 2022</b>	<b>October 14, 2022</b>
Pretrial conference		<b>August 22, 2022</b>	<b>October 31, 2022, subject to the Court's approval</b>
Jury Trial (7 days)		<b>August 29, 2022</b>	<b>November 7, 2022, subject to the Court's approval</b>

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**C. Consolidated Case Schedule**

The Parties also request confirmation that the Court's schedule applies to all four cases identified below. (*See* Dkt. 60, Part 5.C.)

	<b>Case Caption</b>	<b>Patent-in-Suit</b>	<b>Accused Product</b>
1	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-01878-BJR	U.S. Patent No. 7,953,884	BIG-IP Policy Enforcement Manager
2	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00124-BJR	U.S. Patent No. 9,584,330	BIG-IP Policy Enforcement Manager
3	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00125-BJR	U.S. Patent No. 8,248,940	BIG-IP Policy Enforcement Manager
4	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00126-BJR	U.S. Patent No. 7,548,945	BIG-IP DNS

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**CORR CRONIN LLP**  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900

DATED this 13<sup>th</sup> day of December, 2021.

PERKINS COIE LLP

CORR CRONIN LLP

By: Ramsey M. Al-Salam (via email authorization)

By: s/ Eric A. Lindberg

Ramsey M. Al-Salam, WSBA No. 18822  
Stevan R. Stark, WSBA No. 39639  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: (206) 359-8000  
RAISalam@perkinscoie.com  
SStark@perkinscoie.com

Blake Marks-Dias, WSBA No. 28169  
Eric A. Lindberg, WSBA No. 43596  
1001 Fourth Avenue, Suite 3900  
Seattle, WA 98154  
(206) 625-8600 Phone  
(206) 625-0900 Fax  
bmarks-dias@correronin.com  
elindberg@correronin.com

Stephen E. Baskin  
(Pending *pro hac vice*)  
sbaskin@kslaw.com  
KING & SPALDING LLP  
1700 Pennsylvania Avenue, NW  
2<sup>nd</sup> Floor  
Washington, DC 20006-4707  
Telephone: (202) 626-2938

Jonathan K. Waldrop (Admitted *pro hac vice*)  
jwaldrop@kasowitz.com  
Darcy L. Jones (Admitted *pro hac vice*)  
djones@kasowitz.com  
Marcus A. Barber (Admitted *pro hac vice*)  
mbarber@kasowitz.com  
John W. Downing (Admitted *pro hac vice*)  
jdowning@kasowitz.com  
Heather S. Kim (Admitted *pro hac vice*)  
hkim@kasowitz.com  
Jack Shaw (Admitted *pro hac vice*)  
jshaw@kasowitz.com  
ThucMinh Nguyen (Admitted *pro hac vice*)  
tnguyen@kasowitz.com  
KASOWITZ BENSON TORRES LLP  
333 Twin Dolphin Drive, Suite 200  
Redwood Shores, California 94065  
Telephone: (650) 453-5170

D. Shane Brun  
(Pending *pro hac vice*)  
sbrun@kslaw.com  
KING & SPALDING LLP  
601 California Avenue, Suite 100  
Palo Alto, CA 94304  
Telephone: (415) 318-1245

Paul G. Williams (Admitted *pro hac vice*)  
pwilliams@kasowitz.com  
KASOWITZ BENSON TORRES LLP  
1230 Peachtree Street N.E., Suite 2445  
Atlanta, Georgia 30309  
Telephone: (404) 260-6080

Angela Tarasi  
(Pending *pro hac vice*)  
atarasi@kslaw.com  
KING & SPALDING LLP  
1400 16th Street  
16 Market Square  
Suite 400  
Denver, CO 80202  
Telephone: (720) 535-2319

*Attorneys for Plaintiff*

*Attorneys for Defendant*

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1001 Fourth Avenue, Suite 3900  
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**ORDER**

IT IS SO ORDERED.

DATED this 16th day of December, 2021.



HONORABLE BARBARA J. ROTHSTEIN

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**CORR CRONIN LLP**  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900

**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Christy A. Nelson

Christy A. Nelson

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**CORR CRONIN LLP**  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900